

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00942-TJK**

ELECTRONIC PRIVACY INFORMATION CENTER v.  
FEDERAL TRADE COMMISSION  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/20/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ELECTRONIC PRIVACY  
INFORMATION CENTER**

represented by **Marc Rotenberg**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1718 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20009  
(202) 483-1140, ext 106  
Fax: (202) 483-1248  
Email: [rotenberg@epic.org](mailto:rotenberg@epic.org)  
*ATTORNEY TO BE NOTICED*

**Alan Jay Butler**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1718 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20009  
(202) 483-1140 ext 103  
Fax: (202) 483-1248  
Email: [butler@epic.org](mailto:butler@epic.org)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**FEDERAL TRADE COMMISSION**

represented by **William Mark Nebeker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2536  
Fax: (202) 252-2599  
Email: [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**FACEBOOK, INC.**

represented by **Joshua S. Lipshutz**  
GIBSON, DUNN & CRUTCHER, LLP  
1050 Connecticut Ave, NW  
9th Floor  
Washington, DC 20036  
(202) 955-8217  
Email: [jlipshutz@gibsondunn.com](mailto:jlipshutz@gibsondunn.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Christopher Brett Leach**  
GIBSON, DUNN & CRUTCHER, LLP

1050 Connecticut Ave, NW  
 9th Floor  
 Washington, DC 20036  
 (202) 955-8228  
 Email: [CLeach@gibsondunn.com](mailto:CLeach@gibsondunn.com)  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 04/20/2018 | <u>1</u> | COMPLAINT against FEDERAL TRADE COMMISSION ( Filing fee \$ 400 receipt number 0090-5434972) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Federal Trade Commission, # <u>3</u> Summons U.S. Attorney for the District of Columbia, # <u>4</u> Summons U.S. Attorney General)(Butler, Alan) (Entered: 04/20/2018)  |
| 04/20/2018 | <u>2</u> | Corporate Disclosure Statement by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 04/20/2018)  |
| 04/20/2018 | <u>3</u> | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 04/20/2018)  |
| 04/20/2018 |          | Case Assigned to Judge Timothy J. Kelly. (zsth) (Entered: 04/23/2018)  |
| 04/23/2018 | <u>4</u> | SUMMONS (3) Issued Electronically as to FEDERAL TRADE COMMISSION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 04/23/2018)   |
| 05/10/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/24/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 5/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/30/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL TRADE COMMISSION served on 4/30/2018 (Attachments: # <u>1</u> Certificate of Service Attorney General, # <u>2</u> Certificate of Service Federal Trade Commission)(Butler, Alan) (Entered: 05/10/2018) |
| 05/24/2018 | <u>6</u> | ANSWER to Complaint by FEDERAL TRADE COMMISSION.(Nebeker, William) (Entered: 05/24/2018)   |
| 06/05/2018 |          | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by June 26, 2018. Signed by Judge Timothy J. Kelly on 6/5/2018. (lctjk3) (Entered: 06/05/2018)   |
| 06/05/2018 |          | Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 6/26/2018. (kh) (Entered: 06/05/2018)   |
| 06/26/2018 | <u>7</u> | Interim STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 06/26/2018)   |
| 06/28/2018 |          | MINUTE ORDER: Upon review of the <u>7</u> Joint Status Report filed by the parties, it is hereby ORDERED that the parties shall file another joint status report by July 26, 2018. Signed by Judge Timothy J. Kelly on 6/28/2018. (lctjk3) (Entered: 06/28/2018)   |
| 07/26/2018 | <u>8</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 07/26/2018)   |
| 07/30/2018 |          | MINUTE ORDER: Upon review of the <u>8</u> Joint Status Report filed by the parties, it is hereby ORDERED that the parties shall file another joint status report by October 20, 2018. Signed by Judge Timothy J. Kelly on 7/30/2018. (lctjk3) (Entered: 07/30/2018)  |
| 10/19/2018 | <u>9</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 10/19/2018)   |
| 10/19/2018 |          | MINUTE ORDER: Upon review of the <u>9</u> Joint Status Report filed by the parties, it is hereby ORDERED that the parties shall file another joint status report by November   |

|            |           |  |
|------------|-----------|--|
|            |           | 19, 2018. Signed by Judge Timothy J. Kelly on 10/19/2018. (lctjk3) (Entered: 10/19/2018)   |
| 10/19/2018 |           | Set/Reset Deadlines/Hearings: Status Report due by 11/19/2018. (jl) (Entered: 10/19/2018)  |
| 11/19/2018 | <u>10</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 11/19/2018)   |
| 11/20/2018 |           | MINUTE ORDER: In light of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by January 18, 2019. Signed by Judge Timothy J. Kelly on 11/20/2018. (lctjk3) (Entered: 11/20/2018)   |
| 01/18/2019 | <u>11</u> | Consent MOTION to Stay , Consent MOTION for Extension of Time to <i>All Deadlines</i> by FEDERAL TRADE COMMISSION (Attachments: # <u>1</u> Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 01/18/2019)   |
| 01/22/2019 |           | MINUTE ORDER: It is hereby ORDERED, nunc pro tunc, that the January 18, 2019 deadline for the parties to submit their next joint status report is VACATED. It is further ORDERED that the parties shall file their next joint status report by February 18, 2019. Signed by Judge Timothy J. Kelly on 1/22/2019. (lctjk3) (Entered: 01/22/2019)  |
| 01/28/2019 |           | MINUTE ORDER denying Defendant's <u>11</u> Consent Motion to Stay. Given the restoration of funding to the Department of Justice, it is hereby ORDERED that Defendant's motion to stay the case is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 1/28/2019. (lctjk3) (Entered: 01/28/2019)   |
| 02/20/2019 | <u>12</u> | STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 02/20/2019)   |
| 02/22/2019 |           | MINUTE ORDER: In light of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by March 8, 2019. Signed by Judge Timothy J. Kelly on 2/22/2019. (lctjk1) (Entered: 02/22/2019)   |
| 03/07/2019 | <u>13</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 03/07/2019)   |
| 03/08/2019 |           | MINUTE ORDER: In light of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by April 12, 2019. Signed by Judge Timothy J. Kelly on 3/8/2019. (lctjk3) (Entered: 03/08/2019)   |
| 04/12/2019 | <u>14</u> | Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 04/12/2019)   |
| 04/15/2019 |           | MINUTE ORDER: In light of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that Facebook shall file any motion to intervene under Fed. R. Civ. P. 24(a) by May 3, 2019; Plaintiff shall file any opposition by June 14, 2019; and Facebook shall file any reply in support of its motion by July 12, 2019. Signed by Judge Timothy J. Kelly on 4/15/2019. (lctjk3) (Entered: 04/15/2019) |
| 05/03/2019 | <u>15</u> | MOTION to Intervene by FACEBOOK, INC. (Attachments: # <u>1</u> Exhibit Proposed Answer, # <u>2</u> Exhibit Corporate Disclosure Statement, # <u>3</u> Exhibit Proposed Order, # <u>4</u> Certificate of Service)(Lipshutz, Joshua) (Entered: 05/03/2019)   |
| 05/03/2019 | <u>16</u> | NOTICE of Appearance by Joshua S. Lipshutz on behalf of FACEBOOK, INC. (Attachments: # <u>1</u> Certificate of Service)(Lipshutz, Joshua) (Entered: 05/03/2019)  |
| 05/03/2019 | <u>17</u> | NOTICE of Appearance by Christopher Brett Leach on behalf of FACEBOOK, INC. (Attachments: # <u>1</u> Certificate of Service)(Leach, Christopher) (Entered: 05/03/2019)   |
| 06/14/2019 | <u>18</u> | Memorandum in opposition to re <u>15</u> MOTION to Intervene filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> List of Exhibits, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5)(Butler, Alan) (Entered: 06/14/2019)  |
| 07/12/2019 | <u>19</u> | REPLY to opposition to motion re <u>15</u> MOTION to Intervene filed by FACEBOOK, INC.. (Attachments: # <u>1</u> Certificate of Service)(Lipshutz, Joshua) (Entered: 07/12/2019)   |